IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 3291 OF 2003

IN

SUIT NO. 3465 OF 2003

Shrenik Nagar Co-op Hsg. Soc.Ltd
...Plaintiffs.
vs.
SONRUP Builders P.Ltd and anr.
...Defendants.

Vishwanath Mannadiar with Ms. Nanavati
i/by Mannadiar and Co.
for the plaintiffs.

J.S. Kini, advocate
for defendant no.1.

CORAM: S.U. KAMDAR, J.

DATE : 2nd March, 2006.

P.C. :

1. By consent of the parties the following order is passed :

2. Learned counsel appearing for the defendant has tendered an affidavit dated 22.3.2006. The same is taken on record. The undertaking given in the said affidavits are accepted. The

defendants will not carry on construction for more FSI then mentioned in the said undertaking. The undertaking to construct the gymnasium and the temple on the ground floor of the C Tower Building is also accepted.

3. Learned counsel for the defendant after taking instructions from the defendant who is present in court gives a further undertaking that he will construct the C TOWER Building in accordance with the rules, regulations and sanction plan of the BMC. He further undertakes that he will not seek any deficiency condonation inrespect of open space requirement with the adjoining buildings thereof. He further undertakes that till and until the gymnasium and Jain Mandir Temple is ready and possession of the same is handed over to the plaintiff society, he will not alienate, encumber or create any third party rights inrespect of flats constructed in C TOWER of the said building. In the light of the aforesaid undertaking the plaintiff does not press the motion. Motion disposed off

accordingly.

sd/-

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